

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 8, 2017
Time of Incident:	12:25 PM
Location of Incident:	XXX E. 47 th St.
Date of COPA Notification:	January 19, 2018
Time of COPA Notification:	10:53 AM

The complainant, Subject 1, was arrested on July 8, 2017 for theft after he reportedly offered to sell drugs to an Undercover Officer but walked away with the money. Subject 1 alleged that the arresting officers grabbed him, did not identify themselves as police officers, pushed him, handcuffed him too tightly, and kneed or elbowed him in the back. Subject 1 also claimed that once at the police station, an officer deleted a photo from his cellphone. After reviewing available Department reports, cellphone video, interviewing Subject 1, and interviewing accused and witness officers, COPA determined that all allegations are Unfounded or Exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star #XXXXXX, Employee ID #XXXXXX, DOA: XX/XX/2004, Police Officer, Unit XXX (Narcotics Division), DOB: XX/XX/1981, Male, Hispanic
Involved Officer #2:	Officer B, Star #XXXXXX, Employee ID #XXXXXX, DOA: XX/XX/2005, Police Officer, Unit XXX, DOB: XX/XX/1973, Male, White
Involved Officer #3:	Officer C, Star #XXXX, Employee ID #XXXX, DOA: XX/XX/2001, Police Officer, Unit XXX, DOB: XX/XX/1974, Male, Hispanic
Involved Member #4:	Unidentified
Involved Individual #1:	Subject 1, DOB: September XX, 1960, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
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Officer A	<p>1. Grabbed Subject 1, in violation of Rule 6 and Rule 9.</p> <p>2. Failed to identify himself as a police officer, in violation of Rule 37.</p> <p>3. Pushed Subject 1 onto a car hood, in violation of Rule 6 and Rule 9.</p> <p>4. Handcuffed Subject 1 too tightly, in violation of Rule 6 and Rule 9.</p>	Exonerated Unfounded Exonerated Unfounded
Officer B	<p>1. Grabbed Subject 1, in violation of Rule 6 and Rule 9.</p> <p>2. Failed to identify himself as a police officer, in violation of Rule 37.</p> <p>3. Pushed Subject 1 onto a car hood, in violation of Rule 6 and Rule 9.</p>	Exonerated Unfounded Exonerated
Officer C	1. Pushed Subject 1 in the back, against a car hood with an elbow or knee while he was detained by Officers B and A, in violation of Rule 6 and Rule 9.	Exonerated
Unidentified Department Member	1. Deleted a photo from Subject 1's phone, in violation of Rule 6.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

- Rule 6:** Prohibits the disobedience of an order or directive, whether written or oral.
- Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 37:** Prohibits failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

General Orders

1. **G03-02-02:** Force Options¹

2. **G04-01:** Preliminary Investigations²

V. INVESTIGATION³

a. Interviews

Subject 1 submitted an **online complaint** to COPA on January 19, 2018.⁴ This complaint related that on July 8, 2017, Subject 1 was “jumped on by members of the Chicago Police Department near the corner of XXth an[d] Indiana Ave.” Subject 1 described the officers as a short, white male with “long hair and a mustache;” a bald, white male; and an overweight supervisor. Subject 1 also alleged that there was an African American, male “assistant” who took Subject 1’s phone at the police station and deleted photos.

COPA completed an **interview** with **Subject 1** on February 20, 2018.⁵ Subject 1 related that on July 8, 2017, he had his back to the street and was engaged in conversation when CPD members (identified as Officers B and A) “jumped” out of their car and grabbed Subject 1. Officer A grabbed Subject 1’s hand and officers did not say anything to Subject 1. The officers said Subject 1 was resisting, but he did not know what was happening or that the men were Department members. Officers B and A pushed Subject 1 against a car and a third man (identified as Officer C) put his knee or elbow in Subject 1’s back to hold him against the car. There was a fourth Department member (identified as Sergeant A) who “stood back.” Subject 1 believed there were two or three police cars, all unmarked. The officers tried to secure Subject 1, but he did not know what was happening. Officers B and A pushed Subject 1 on the hood of a car and held his hands while Officer C pushed Subject 1 down from behind. Subject 1 was then placed in handcuffs. Subject 1 stated Officer A placed handcuffs on too tightly. Subject 1 was not told why he was arrested until he was at the police station.

Subject 1 stated that a Hispanic male in a minivan (identified as Officer D) “wanted some rocks” and Subject 1 took money from him. Subject 1 responded by literally giving him geological rocks off the street. Subject 1 denied selling drugs or giving the Hispanic man drugs. Subject 1 did not think it was strange that the man wanted rocks for \$30. Subject 1 alleged that he took photos of this man and his van before he was arrested, but the photos were deleted off Subject 1’s phone at the police station. Subject 1 stated that he has previously been asked for rocks in the area “a few” times and responded the same way in those situations. Subject 1 alleged that his lower back was injured during his arrest and he went to Hospital 1 three or four days later. Subject 1 stated he did not see a doctor or go past triage because his pain was not “severe enough.”

¹ The Force Options policy referenced in this report was effective from January 1, 2016 until October 16, 2017 (See Att. 37).

² The Preliminary Investigations policy referenced in this report was effective October 13, 2015 until October 15, 2018 (See Att. 38).

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Att. 6

⁵ Att. 7

On June 12, 2018, COPA made a **telephone call to Subject 1** seeking clarification on the Department member who deleted a photo from his cellphone.⁶ Subject 1 stated that the accused was a white male, approximately 6'2", in his late 30s or early 40s, with dark hair. Subject 1 related this was not one of the arresting officers. Per Subject 1, this individual processed Subject 1 at the police station and inventoried Subject 1's property. Subject 1 elaborated that he did not see the Department member deleting the photo, but the photo was gone when his phone was returned. Subject 1 believed the Department member was searching his phone for drug dealers' telephone numbers.

COPA interviewed **Officer A** on May 23, 2018.⁷ On July 8, 2017, he was working with Officer B as enforcement officers on an undercover narcotics mission. Sergeant A was working with them, but Officer A could not recall if the sergeant was present during Subject 1's arrest. Undercover officer (Officer D) tried to purchase crack cocaine from Subject 1. Subject 1 showed the officer narcotics and money was exchanged. Subject 1 left with the money and did not return, so Officers A and B arrested Subject 1. Officer A identified Subject 1 through a description given over the radio. Officer A exited his vehicle, approached Subject 1 with a group of men, stated he was a police officer, and asked the men to show their hands. Officers A made eye contact with Subject 1 and attempted to place Subject 1 into custody. Subject 1 "tensed up" while Officers A was holding his left hand.⁸ Because Subject 1 tensed up, was in a group of men, and was a larger male, the officers escorted Subject 1 to the front of the police car to handcuff him. Officers A had Subject 1 in an escort hold while walking him to the front of the police car. Officers A did not remember pushing Subject 1 into the car. Officers A related that Officer C was working alone and arrived on scene. Officers A and Officer B handcuffed Subject 1. Officers A did not recall if Officer C assisted with handcuffing or getting Subject 1's compliance. Officers A did not know if Officer C pushed Subject 1 into the car. Officers A did not recall Subject 1 complaining his handcuffs were too tight. Officer A denied using force to handcuff Subject 1. Officers A related that Subject 1 was told why he was arrested from the beginning of the encounter. Officers A stated no narcotics were recovered from Subject 1 and he did not know what happened to the drugs Subject 1 showed Officer D. Officers A was not aware of a photo being deleted from Subject 1's cellphone or of Subject 1 taking a photo of Officer D.

COPA interviewed **Officer B** on May 23, 2018.⁹ Officer B stated that on July 8, 2017, he and Officer A were enforcement officers for a narcotics investigation. Officer C was an enforcement officer in addition to surveillance officers, Officer D, and Sergeant A. Subject 1 stole money from an undercover officer (Officer D) and was identified through radio transmissions. Subject 1 was standing on the side of the street with a group of people. Officer B exited the police vehicle, announced he was a police officer, and approached Subject 1. Officer B told the group to show their hands. Officer B described Subject 1 as agitated and said Subject 1 tensed up. Officer B attempted to escort Subject 1 to the police vehicle using an escort control technique. This technique consisted of Officer B having one hand on Subject 1's back and the other on one of Subject 1's arms. Officer B related that because of the crowd, he and his partner wanted to move Subject 1 for officer safety. Officer B did not recall pushing Subject 1 against the vehicle. Officer

⁶ Att. 44

⁷ Atts. 24, 25

⁸ Approximately 12:25 minute mark.

⁹ Att. 30

B believed Subject 1's stomach and legs were touching the police car. Officer B stated that control holds were the only force used against Subject 1. Officer B did not recall if Officer C pushed Subject 1 into the car hood. Subject 1 was told he was under arrest, but Officer B could not recall when. Officer B could not recall who handcuffed Subject 1, or if Subject 1 complained about the handcuffs. Officer B did not recall if a photo was deleted from Subject 1's phone or if Subject 1 took a photo of Officer D.

COPA interviewed **Officer C** on June 7, 2018.¹⁰ Officer C related that on July 8, 2017, he was on-duty and in plain clothes. Officer C was part of team with Officer B, Officer A, Officer D, Sergeant A, and possibly also an Officer E. Officer C recalled someone in the area directed the undercover officer (Officer D) to Subject 1 to purchase drugs. Officer D approached Subject 1 and Subject 1 showed Officer D "a couple of rocks."¹¹ Officer C clarified that "rocks" is a reference to crack cocaine. Officer C believed Officer D could identify the difference between geological rocks and crack cocaine, but Officer C did not see the substance. Officer D asked Subject 1 for more narcotics and Subject 1 agreed. Officer D gave Subject 1 money. Subject 1 then walked off, and the officers later saw him coming out of store and walking around. Eventually, the officers determined Subject 1 was not going to return so they arrested him.

Officer C approached Subject 1 in an unmarked police car after Subject 1 was already engaged with Officers A and B. The two officers already detained Subject 1 and had him at the front of their vehicle. Officer C recalled that one of the officers told Subject 1 what he was arrested for, at which point Subject 1 stiffened up and refused to put his hands behind his back. Officer C believed he acted a shield so Subject 1 would not run off while the other two officers were on either side of Subject 1. Subject 1's front side was against the police vehicle. Officer C could not recall if he touched Subject 1 or pushed him against the car. However, if had touched Subject 1, Officer C would have been trying to keep Subject 1 from fleeing. Subject 1 did not complain to Officer C that his handcuffs hurt or that he was injured. Further, the officer did not observe that Subject 1's handcuffs were too tight. Officer C asserted Subject 1 was not mistreated. Officer C did not believe narcotics were recovered from Subject 1. Officer C was not aware of Subject 1 taking a photo of Officer D on his cellphone or if a photo was deleted from Subject 1's cellphone at the police station.

Officer D was interviewed by COPA on May 17, 2018.¹² Officer D stated that on July 8, 2017, he was working undercover and driving an undercover minivan. Officer D was near the location of Subject 1's arrest and, after reviewing the arrest report, the officer recalled interacting with Subject 1. Per Officer D, he pulled into a parking lot after he asked a woman for narcotics. Subject 1 approached the vehicle and Officer D asked for narcotics in exchange for money. Officer D told Subject 1 he wanted rocks. Subject 1 showed the officer narcotics in two baggies and the officer gave him money. Subject 1 told the officer to stay put and he would return. Subject 1 walked north and shortly after came back to Officer D's van. Subject 1 again told Officer D to stay put and he would return. Officer D decided Subject 1 was "playing games," so he radioed his team members that the money was stolen and to stop Subject 1. Officer D then left the area and did not see Subject 1's arrest. Officer D denied that Subject 1 gave him literal rocks off the street, or

¹⁰ Att. 39

¹¹ 6:20 minute mark

¹² Att. 22

anything for that matter. Officer D recalled Subject 1 having a phone in his hand, but did not know if Subject 1 took a photo of him. Officer D did not know what happened to the drugs Subject 1 showed him or the funds Officer D gave Subject 1.

Sergeant A was interviewed by COPA on May 29, 2018.¹³ Sergeant A related that on July 8, 2017, he was involved in a narcotics operation near XXX E. 47th St. Sergeant A did not specifically recall Subject 1 or the details from Subject 1's arrest, but believed he may have arrived after Officers B and A. Sergeant A did not see the interaction between Subject 1 and Officer D. Sergeant A did not recall seeing officers push Subject 1 against the police car. Sergeant A did not recall an officer pushing Subject 1 in the back with a knee or elbow. Sergeant A was not aware of Subject 1 taking a photo of Officer D, nor was he aware of a photo being deleted from Subject 1's phone.

COPA interviewed **Officer F**, Star #XXXXXX, on June 20, 2018.¹⁴ Officer F was listed on Subject 1's arrest report from July 8, 2017 as the officer who searched Subject 1 in the police station. Per Officer F's COPA statement, he was not working on July 8, 2017, as it was his day-off group. Officer F's Attendance and Assignment records from this date confirmed he was not working on July 8, 2017.¹⁵ After viewing Subject 1 arrest report from July 8, 2017, Officer F acknowledged his name and star number were included as the officer who searched Subject 1. Officer F did not know why his name was on this report. Officer F confirmed he was not working overtime on July 8, 2017. Officer F did not recognize Subject 1 and had no knowledge of ever being involved in an arrest or processing of Subject 1. Officer F denied deleting a photo from Subject 1's cellphone.

Officer C submitted a **To-From Report** to COPA on July 12, 2018.¹⁶ Officer C acknowledged authoring Subject 1's July 8, 2017 arrest report. Officer C did not know who searched Subject 1 at the station or why Officer F, Star #XXXXXX, was provided as Subject 1's searching officer.

b. Digital Evidence

Cellphone footage was obtained from Subject 1's July 8, 2017 arrest.¹⁷ The recording began after Subject 1 was handcuffed and officers were seen searching Subject 1's pockets. Subject 1 was then put into the back of an unmarked sedan.

No **Body Worn Camera** or **In Car Camera** footage was available in relation to the present investigation.¹⁸

c. Physical Evidence

No physical evidence was obtained pertaining to the present investigation.

¹³ Att. 35

¹⁴ Att. 46

¹⁵ Att. 51

¹⁶ Att. 52

¹⁷ Att. 11

¹⁸ Att. 19

d. Documentary Evidence

An **Arrest Report** was obtained from Subject 1's July 8, 2017 arrest with **RD #XXXXXXXX**.¹⁹ Subject 1 was charged with theft under \$500. Per this report, Subject 1 agreed to sell an undercover officer (Officer D) crack cocaine. Officer D gave Subject 1 \$30 and Subject 1 walked away but did not return. Later, officers stopped Subject 1 and he was arrested for theft. The attesting officer was Officer C. The first arresting officer was Officer A and the second was Officer B. Subject 1 was transported to the X District. Per this report, Subject 1 was searched by Officer F, Star #XXXXXX, once at the station.

Per Inventory Sheets from **RD # XXXXXXXXX**, a cellphone was not specifically inventoried.²⁰ Further, these documents stated Subject 1's property was recovered by Officer G.

An **Office of Emergency Management and Communications Event Query Report** was located in relation to Subject 1's July 8, 2017 arrest.²¹ At approximately 12:31 PM, a caller named Civilian 1 stated he was in front of a liquor store at XXXX S. Indiana. The called wanted a sergeant because "an officer was just harassing him." The caller is believed to be Civilian 1, the source of Subject 1 arrest video.²²

e. Additional Evidence

A **docket for Case Number XXXXXXXXXXXXX** was obtained from the Cook County Clerk of Court.²³ On July 12, 2017, Subject 1 was charged with misdemeanor theft under \$500. Subject 1's bond was forfeited on August 7, 2017 and the case was stricken off with leave to reinstate. On September 14, 2017, the case was advanced and the bond forfeiture was vacated. On September 14, 2017, the case was again stricken off with leave to reinstate.

VI. ANALYSIS

Allegation 1 against Officer A and Officer B, that they grabbed Subject 1, is **Exonerated**. Subject 1 was being arrested and the officers were justified in placing him into custody. By Subject 1's own admissions, he took money from an individual looking for "rocks." The officers had reasonable belief a crime had occurred and arrested Subject 1 near the scene of the events. Since Subject 1 was being arrested for theft, Officers A and B were within policy by detaining Subject 1. Therefore, this allegation is Exonerated.

Allegation 2 against Officer B and Officer A, they failed to identify themselves as police officers, is **Unfounded**. While Subject 1 asserted he did not know they men were police officers, this claim is not believable. As seen in the video, both men had on CPD insignia, duty-belts, CPD

¹⁹ Att. 12

²⁰ Att. 20

²¹ Att. 45

²² Log 1085869 was filed pertaining to Civilian 1's complaints from July 8, 2018 against Officer C. Civilian 1 did not submit an affidavit and the video served as the basis for his complaint. Attempts to interview Civilian 1 for both investigations were unsuccessful.

²³ Att. 21

stars, bullet proof vests and were driving a vehicle municipal plates. Moreover, the officers stated that they announced they were officers upon approach. However, even if the officers did not explicitly say they were police officers, COPA does not believe Subject 1 was unaware the men were officers. As such, Allegation 2 against both officers is Unfounded.

Allegation 3 against Officers A and B, that they pushed Subject 1 onto a car hood, is **Exonerated**. Similarly, Allegation 1 against Officer C, that he pushed Subject 1 in the back, against a car hood with an elbow or knee while he was detained by Officers B and A, is **Exonerated**. By Subject 1's own admission, he was resisting the officers. However, Subject 1 said he was resisting because he did not know the men were police officers. As stated above, that claim casts doubt on Subject 1's credibility. Further, the officers were justified in arresting and detaining Subject 1. Officers A and B related that Subject 1 was resisting and they moved him to the front of their car to remove him from the group of men he was standing with. All three officers reported that when Subject 1 was told what he was arrested for, he became difficult. Officers A and B used control holds and Officer C positioned himself behind Subject 1 to prevent flight. Per G03-02-02, the officers were within policy in using holding techniques and pain compliance against Subject 1. Since Subject 1 was under arrest, Officer C was justified in preventing Subject 1 from evading arrest. Since the officers' actions were justified and within policy, these allegations are Exonerated.

Allegation 4 against Officer A, that he handcuffed Subject 1 too tightly, is **Unfounded**. Subject 1 did not appear to be in pain in video of the end of his arrest. Subject 1 did not obtain any medical treatment in relation to his handcuffs being too tight. Handcuffs are not designed to be comfortable and this allegation is Unfounded.

Lastly, Allegation 1, that an unidentified Department member deleted a photo from Subject 1's phone, is **Unfounded**. As stated above, Subject 1's credibility was weakened by his claim he did not know the men arresting him were police officers. Further, Subject 1 told COPA he gave Officer D literal rocks. Officer D maintained Subject 1 showed him crack cocaine. It is not believable that anyone, undercover officer or not, would pay money for geological rocks picked up off the street. Subject 1 also admitted he did not actually see the photo being deleted. Further, a cellphone was not inventoried for Subject 1 – but he claimed he had one that was returned to him with the photo deleted. Most importantly, Subject 1 initially alleged the man who deleted a photo from his phone was African American when he submitted a complaint online. However, Subject 1's story changed that it was a white man approximately five months later. Therefore, this allegation is Unfounded.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer A	1. Grabbed Subject 1, in violation of Rule 6 and Rule 9.	Exonerated

	<p>2. Failed to identify himself as a police officer, in violation of Rule 37.</p> <p>3. Pushed Subject 1 onto a car hood, in violation of Rule 6 and Rule 9.</p> <p>4. Handcuffed Subject 1 too tightly, in violation of Rule 6 and Rule 9.</p>	Unfounded Exonerated Unfounded
Officer B	<p>1. Grabbed Subject 1, in violation of Rule 6 and Rule 9.</p> <p>2. Failed to identify himself as a police officer, in violation of Rule 37.</p> <p>3. Pushed Subject 1 onto a car hood, in violation of Rule 6 and Rule 9.</p>	Exonerated Unfounded Exonerated
Officer C	1. Pushed Subject 1 in the back, against a car hood with an elbow or knee while he was detained by Officers B and A, in violation of Rule 6 and Rule 9.	Exonerated
Unidentified Department Member	1. Deleted a photo from Subject 1's phone, in violation of Rule 6.	Unfounded

Approved:

COPA Deputy Chief Administrator
Deputy Chief Administrator – Chief Investigator

Date

Appendix A**Assigned Investigative Staff**

Squad#:	Four
Investigator:	COPA Investigator, #61
Supervising Investigator:	COPA Supervising Investigator, #19
Deputy Chief Administrator:	COPA Deputy Chief Administrator